

**DART Survey of Judges:  
Written Responses on Key Issues**  
(Oct. 2, 2009)

**Questions:**

- 5. a Disadvantages, issues or problems of using digital equipment to record court proceedings
- 5. b Advantages or benefits of using digital equipment to record court proceedings
- 5. f Comments or recommendations

- 1. Rochester, MN – 11 years as an Judge in this county; handles all trial level cases and has 3 support staff

Disadvantages, issues or problems:

- Speak clearly and loud enough for the microphone to record

Advantages or benefits:

- Ease of use
- Health-related issues such as carpel tunnel

Final comments or recommendations:

- Take advantage of the new technology; steno reporters are difficult to find

- 2. Lincoln, NE – 22 years as a Judge in this county; handles civil and criminal cases and has 5 support staff

Disadvantages, issues or problems:

- None
- Use microphones and have a good sound system

Advantages or benefits:

- Easy access to the record
- Transparency
- Less expensive

Final comments or recommendations

- Do not allow court reporters to get in the way of doing the right thing

- 3. Hennepin County, MN – 13 years as a Judge in this county; handles housing related cases and has 10 support staff

Disadvantages, issues or problems:

- More responsibility is placed upon the judge to be sure the testimony is clear, names are spelled, only one person talking at a time, have individuals speak loud and clear into the microphones

Advantages or benefits:

- Access to the audio recording
- Less expensive than court reporters
- Flexibility with use of staff

Final comments or recommendations

- Use trained court reporters to run and manage the recording system
4. Salt Lake City, UT – 9 years as a Judge in this county; handles 90% criminal and 10% civil cases and has 2.75 support staff

Disadvantages, issues or problems:

- When individuals speak over each other

Advantages or benefits:

- Files are stored electronically; a hard-copy is not always created
5. Willmar, MN – 12 years as a Judge in this county; handles general jurisdiction cases and has a 1.5 support staff

Disadvantages, issues or problems:

- Real-time copies of the records are not available for hearing impaired judges or participants with digital recording

Advantages or benefits:

- More accurate than a stenographic record
6. Willmar, MN – 23 years as a Judge in this county; handles all types of cases and has 2.5 support staff

Disadvantages, issues or problems:

- Cannot use for real-time visual by deaf persons as CAT steno can
- Must speak into the microphone or have a microphone for each speaker

Advantages or benefits:

- More accurate than steno
- Less physical problems with court reporters (carpal tunnel, etc.)

Final comments or recommendations

- Go digital
7. Willmar, MN – 9 years as a Judge in this county; handles civil, criminal, juvenile and family law (all levels) and has 1.5 support staff

Disadvantages, issues or problems:

- I am not aware of any

Advantages or benefits:

- Accurate transcription (can replay recording if necessary)
- The ability to have multiple microphones to increase the quality of the recordings is a real benefit

8. Willmar, MN – 26 years as a Judge in this county; handles criminal and civil cases and has 3 support staff

Disadvantages, issues or problems:

- None

Advantages or benefits:

- Record is not subject to human interpretation or attentiveness
- Easy record for law clerks to listen to

Final comments or recommendations

- Visit other court houses where electronic court-reporting is exclusive

9. Minneapolis, MN - 24 years as a Judge in this county; handles 50% civil jury and 50% criminal arraignments and trials and has 3 support staff

Disadvantages, issues or problems:

- I do not use a court room clerk when I am in trial – I do not need them to remind me not to let two people talk at once
- I like having my court reporter with me when I am in trial for the company and to handle all of the necessary court room procedures.

Advantages or benefits:

- If a court reporter is not available; this works well

**DART Survey of Attorneys:  
Written Responses on Key Issues**  
(Oct. 2, 2009)

**Questions:**

- 5. a Disadvantages, issues or problems of using digital equipment to record court proceedings
- 5. b Advantages or benefits of using digital equipment to record court proceedings
- 5. e Comments or recommendations

1. Rochester, MN – 22 years as an Attorney in this county; handles criminal cases

Disadvantages, issues or problems:

- None

Advantages or benefits:

- Quickly locate specific portions of the record and play it in the original format

2. Lincoln, NE, - 15 years as an Attorney in this county; handles criminal cases

Disadvantages, issues or problems:

- I miss the human interaction with a court reporter
- The court may miss the real-time approximate transcript in the court room

Advantages or benefits:

- Immediate access to the audio is invaluable
- The ability to download the file and listen when it is convenient

3. Lincoln, NE – 24 years as an Attorney in this county; handles criminal cases

Disadvantages, issues or problems:

- Court personnel must pay close attention to be sure equipment is operational
- Attorneys must be sure the witness is clearly addressing the court

Advantages or benefits:

- Immediate access to the audio of the trial or hearing; counsel may use the testimony for trial and appeal purposes

4. Salt Lake City, UT – 17 years as an Attorney in this county; handles criminal cases

Disadvantages, issues or problems:

- Occasional inaudible portion of a transcript

Advantages or benefits:

- Speed, ease and reasonable cost to obtain a copy of court proceedings

5. Salt Lake City, UT – 40 years as an Attorney in this county; handles domestic cases

Disadvantages, issues or problems:

- People who speak softly or rapidly

Advantages or benefits:

- Convenience, not dependent upon a court reporter, and is less costly

Final comments or recommendations

- I was skeptical in the beginning, but now I would recommend it to others. Good training on the system makes a difference

6. Salt Lake City, UT – 33 years as an Attorney in this county; handles domestic cases

Disadvantages, issues or problems:

- A court reporter can let participant's know if they were not able to record a part of the proceeding and have the information repeated

Advantages or benefits:

- Economic

7. Salt Lake City, UT – 22 years as an Attorney in this county; handles criminal (felony) cases

Disadvantages, issues or problems:

- Check the equipment to be sure it is operational prior to the hearing; occasionally, the equipment stops functioning mid-hearing

Advantages or benefits:

- Ease of use and less expensive

8. Salt Lake City, UT – The Attorney did not answer the questions which required a yes/no or evaluation score; she submitted a summary of her experiences and recommendations regarding a digital recording system

Disadvantages, issues or problems:

- A video tape of one full day of trial was lost and never found; that case was reversed on appeal *State v. Tunzi*, 998 P.2d 816 (Utah 200)
- *State v. Rudolph*, 970 P.2d 1221, 1223 (Utah 1998) significant portions of the trial transcript were missing due to technical problems with the court reporter's machinery
- For the most part, convictions have not been reversed. The parties and the court were either able to reconstruct the record or the missing portions were not that significant
- Inaudibles or mistranscriptions due to the poor quality of the recording or neglect by the transcriber

Advantages or benefits:

- Recordings (especially a video) give attorneys a more complete sense of what happened in the trial court

Final comments or recommendations

- Have a back-up system

- Have a protocol or rule on how to deal with missing portions of a record
- Quick turn-around, and pdf copies that are searchable for words or phrases (saves time on appeals with large records)

9. Minneapolis, MN – 4 years as an Attorney in this county; handles housing-related cases

Disadvantages, issues or problems:

- Constraint of movement by attorneys when addressing a witness, and showing exhibits

Advantages or benefits:

- Having an audio recording for direct review in the event of disputes

Final comments or recommendations:

- I am pleased with my experience practicing almost exclusively in a courtroom that uses audio recording

**DART Survey of Court Reporters/Recording Monitors:  
Written Responses on Key Issues  
(Oct. 2, 2009)**

**Questions:**

- 5. a Disadvantages, issues or problems of using digital equipment to record court proceedings
- 5. b Advantages or benefits of using digital equipment to record court proceedings
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1. Lincoln, NE – 25.5 years as a Court Reporter in this county; listens daily to DART recordings

Disadvantages, issues or problems:

- The transcript may take longer to produce

Advantages or benefits:

- A cost saving benefit
- A more accurate record
- One person in the court room instead of two
- Digital recording never gets tired or needs to take a break

Final comments or recommendations

- Has worked extremely well for federal court in Lincoln.
- Attorneys like the hearings digitally recorded.

2. Rochester, MN – 15 years as a Court Reporter in this county; listens daily to DART recordings

Disadvantages, issues or problems:

- Takes longer to prepare the transcript (this only impacts the reporter)

Advantages or benefits:

- Audio is available immediately, often eliminating the need for a transcript.
- Issues that arise during a hearing about something that occurred at a prior hearing are retrieved within seconds regardless of which judge heard the original hearing. The issue can be resolved without the need for motions, transcripts, court administration processing and future hearings.
- The percentage of hearings reduced to writing is very low, digital reporting is more economical, and less likely to cause worker's compensation issues.
- Storage space is minimal; audio is stored on a server and backed up nightly. Loss of audio is rare
- If a court reporter retires or changes employment, the issue of interpreting another reporter's shorthand notes/abbreviation is eliminated.

- There are many professional transcript firms who produce quality transcripts from digital audio recordings.

Final comments or recommendations

- Problems are minimal with proper training of Court Staff
3. Salt Lake City, UT – 23 years as a Court Reporter in this county; has listened to DART recordings several times

Disadvantages, issues or problems:

- No comment

Advantages or benefits:

- No comment

4. Salt Lake City, UT – Secretary for Salt Lake Legal Defender; was using the attorney form, so the answers are not consistent with our other replies

Disadvantages, issues or problems:

- Sometimes we do not have the video, just the audio, even though video was requested

Advantages or benefits:

- Voices are clearer
- We can adjust the volume

5. Salt Lake City, UT – 5 years as a Court Reporter in this county; did not indicate how often she listens to DART recordings

Disadvantages, issues or problems:

- Must speak clearly into the microphone to avoid inaudibles

Advantages or benefits:

- Always available
- Easy to use

6. Sanford, FL – 8.5 years as a Court Recorder in this county; has listened to over 1,000 DART recordings

Disadvantages, issues or problems:

- Coordinating and managing the many aspects of the reporting method and keeping in constant communication with everyone is a challenge. We work on this routinely
- Our problems have been specific to the equipment, not general problems

Advantages or benefits:

- Record of all languages spoken when using an interpreter



- Less need for transcripts (audio is used)
- Playbacks are actual voices/interaction, not a "read back" by stenographer
- When transcribing, you can isolate the channels to clarify information
- Reduction in workers' disability claims

Final comments or recommendations

- Challenges are two-fold; technical and administrative. Identify if it is a technical or administrative issues
- Do not presume that the technical route is always the best

7. Willmar, MN – 20 years as a Court Reporter in this county; listens daily to DART recordings

Disadvantages, issues or problems:

- None, however, human error and equipment failure are always a possibility
- Wireless microphones are helpful for attorneys who will be walking around the court room

Advantages or benefits:

- A recording with excellent clarity to use after the court proceeding

8. Willmar, MN – 9 years as a Court Reporter in this county; has listened to many DART recordings

Disadvantages, issues or problems:

- None

Advantages or benefits:

- With the Liberty system, while you are on the record, you can go back and re-play previously recorded testimony

Final comments or recommendations

- Bookmarks are very helpful when preparing the transcript

9. Willmar, MN – 15 years as a Court Reporter in this county; listens daily to DART recordings

Disadvantages, issues or problems:

- None

Advantages or benefits:

- Judges (and support staff) who cover multiple counties have access to the recordings twenty four hours a day
- Using the notes taken in court, it is possible to locate specific information quickly

Final comments or recommendations:

- My experience for the past 15 years has been a positive one, with no negative feedback from the judges or attorneys
10. Willmar, MN – 14 years as a Court Reporter in this county; listens daily to DART recordings. Participant asked that comments be for internal use only.
11. Minneapolis, MN – 16 years as a Court Reporter in this county; listens daily to DART recordings

Disadvantages, issues or problems:

- When monitoring multiple courtrooms, it is impossible for one person to identify problem situations.

Advantages or benefits:

- Recordings are saved in multiple locations and is accessible to anyone who needs to review the records
- A comparison with the written transcript for accuracy
- Coverage for emergency situations and time off
- Eliminates per diem reporters – budget reduction
- Reduction in storage space needed for records

Final comments or recommendations

- Work as a team with those involved
- Select a reliable system and train those who will be using it
- The number of available court reporters is diminishing; we need to consider alternative solutions
- Accept the changes in the way court proceedings are recorded and make it work for you and the court